

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

JONATHAN BERSANI,

Defendant.

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**DECISION AND ORDER**  
23-CR-111-A

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On May 20, 2024, Defendant Jonathan Bersani appeared before Magistrate Judge Roemer and entered a plea of guilty to a one-count Indictment (Dkt. No. 17), which charges him with Possession with Intent to Distribute Cocaine, in violation of Title 21 U.S.C. § 841(a)(1), pursuant to a written plea agreement. (Dkt. No. 35).

Magistrate Judge Roemer issued a Report and Recommendation (Dkt. No. 37) confirming his oral findings that Defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. No timely objections to the Report and Recommendation have been filed. It is hereby

**ORDERED** that, upon review of the Indictment (Dkt. No. 17), the plea agreement (Dkt. No. 35), and the plea transcript (Dkt. No. 41) of the May 20, 2024, change-of-plea proceeding before the Magistrate Judge; and the Report and Recommendation, the Court finds that all the requirements of Federal Rules of Criminal Procedure Rule 11 have been carefully followed. Defendant's plea of guilty was knowing, voluntary, and

supported by a factual basis. The Magistrate Judge informed Defendant, who was placed under oath and addressed personally in open court, of Defendant's rights and the trial rights he was waiving should the Court accept his plea of guilty, the nature of the charge to which he was pleading guilty, and any maximum possible penalty, among the other requirements listed in the Rule. The Magistrate Judge determined that Defendant understood the foregoing. Accordingly, Defendant's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation.

**Sentencing is scheduled for October 7, 2024 at 12:00 pm.** The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: June 4, 2024  
Buffalo, New York